

| DIST/OFFICE | DOCKET | | FILING DATE | | | J | N/S | O | R | R 23 | DEMAND | | JUDGE NUMBER | JURY DEM. | DOCKET | |
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| | YR. | NUMBER | MO. | DAY | YEAR | | | | | | \$ | OTHER | | | YR. | NUMBER |
| 1085/4 | 76 | 0436 | 08 | 18 | 76 | 4 | 190 | 1 | 12 | | 38 | | 8509 | | 76 | 0436-B |

PLAINTIFFS

DEFENDANTS

ST. JOHN'S HOSPITAL & SCHOOL
OF NURSING, INC., an Oklahoma
non-profit corporation

THE LOMAS & NETTLETON CO.,
a Connecticut Corporation

CAUSE

28 USC 2201

Action for a declaratory judgment, money judgment and injunctive relief.

Richard A. Wagner, II

ATTORNEYS

David M. Thornton
1111 Mid-Continent Building
Tulsa, Oklahoma 74103
918-587-2544

Charles Gotwals & Ellis Gable
4th Nat'l Bank Bldg.
Tulsa, Ok. 74119

T. Austin Gavin
913 Petroleum Building
Tulsa, Oklahoma 74103
918-583-1157

Larry M. Lesh
3600 Republic Natl. Bank Tower
Dallas, TX 74201 214-744-4511

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|--|------------------|----------------|-------------|-------------------|-------------|
| <input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS | FILING FEES PAID | | | STATISTICAL CARDS | |
| | DATE | RECEIPT NUMBER | C.D. NUMBER | CARD | DATE MAILED |
| | | | | JS-5 | 9-1-76 |
| | | | | JS-6 | 12-1-76 |
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| DATE | NR. | PROCEEDINGS |
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| 1976 | | |
| 8-18 | 1. | Complaint, filed. Summons issued.s |
| 8-18 | 2. | Amended Complaint, filed.s |
| 8-18 | MO: | Case set for hearing on temporary restraining order this date at 4:15 P.M. (AEB-J)b |
| 8-18 | | Hearing called on temporary restraining order. Pltf. represented by Thornton, Gavin & King. Deft. represented by Gotwals & Berry (Dallas, Tx). Parties make statements. Ct. requests attorneys to stay proceedings so that more research can be done. Parties agree & Ct. takes matter under advisement & will make ruling w/in a wk. Parties will be allowed to file simultaneous briefs w/in 3 days if they desire. (AEB-J)b |
| 8-23 | 3. | Deft's opposition to request for TRO & Prelim. Inj., filed.k |
| 8-23 | 4. | Deft's mot. to dismiss, filed.k |
| 8-23 | 5. | Deft's brief in support of mot. to dismiss, filed.k |
| 8-23 | 6. | Affidavit of Earl A. Berry, Jr. in support of deft's mot. to dismiss, filed.k |
| 8-23 | 7. | Pltf's memorandum brief upon issuance of TRO, filed.k |
| 8-23 | MO | It is ordered by the Court that the pltf. file a responsive brief w/in 10 days to deft's mot. to dismiss. (AEB-J)k cps mld |
| 8-24 | | Hearing held. Pltf. represented by D. Thornton, T. A. Gavin & G. King. Deft. represented by Ellis Gable for C. Gotwals. The parties having announced to the Court that an understanding has been reached between them as to the final closing of the loan involved in this litigation (which the parties have announced will be 8-25 -76 at 2:00 P M.) and having requested the Court to lift the agreement reached by the parties at the last hearing on 8-18-76, that no one would take any action pending the ruling of the Court on the Request for TRO, and having advised the Court that as part of the consideration pltf. will dismiss without prejudice the third and fourth counts in the complaint and amended complaint heretofore filed by the Pltf., IT IS ORDERED that the agreement so entered is hereby lifted. It was further announced to the Court that the parties will confirm in writing the various and other considerations between the parties (which include the waiver of the defenses of estoppel & the claim for any damages as a result of the delay in closing). Mr. Ellis Gable, who is present at said hearing announced that he would reserve objections to the two-named or delineated considerations, subject to confirmation' by co-counsel. The parties agreed that all considerations between them would be by letter with a copy furnished to the Court. Pltf. was directed to prepare an order of dismissal within three (3) days for signature by the Court. (AEB-J)b |
| 8-24 | -- | Return on U.S. Marshal's Service, Compl. & Summons, fld. Served the Lomas & Nettleton Co. by serving the Corp. Co. in OK City, on 8-19-76 w/fees of \$4.00. v |
| 8-26 | 8. | Letter, filed, specifying agreement of parties on final closing of loan.k |
| 9-10 | 9. | Stipulation for dismissal of third cause of action in compl. & fourth cause of action in amended compl., filed.k o to j |
| 9-10 | 10. | Order, filed, dismissing plaintiff's third cause of action in compl. & fourth cause of action in amended compl. w/ prejudice. (AEB-J)k cps mld |
| 9-13 | 11. | Appl. for ext. of time to file response & brief to Defts.' mot. to dismiss, fld. by Pltf. v (o) |
| 9-13 | 12. | Order, filed, granting Pltf. until 9-17-76 to file response & brief re mot/dsm. (AEB-J)v |
| 9-17 | 13. | Pltf's Brief in opposition to deft's motion to dismiss, filed.cps. mld. cpy to MC |

CIVIL DOCKET CONTINUATION SHEET

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| DATE 1976 | NR. | PROCEEDINGS |
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| 11-19 | | Case called for hearing on settlement of case. Parties represented by David Thornton, Jr., Gavin King & Ellis Gable. Stipulation for Judgment for Dismissal w/prej. & permanent Injunction presented & filed in open court Ct. approves settlement. Judgment For Dismissal w/Prejudice & Permanent Injunction signed & filed in open court. (AEB-J)b |
| 11-19 | 14 | Stipulation for Judgment For Dismissal w/Prejudice & Permanent Injunction, filed. b <i>representative parties</i> |
| 11-19 | 15 | Judgment for Dismissal w/Prejudice & permanent Injunction, filed & entered. (AEB-J)b <i>representative parties</i> |

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